

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

ASHLEY F. CUMMINGS,

Plaintiff,

v.

**BIGNAULT & CARTER, LLC; W.
PASCHAL BIGNAULT; and LORI A.
CARTER,**

Defendants.

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**Civil Action File No.
4:18-cv-00244-WTM-JEG**

DECLARATION OF LARRY A. PANKEY

1.

My name is Larry A. Pankey. I am a partner in the firm of Pankey & Horlock, LLC, and lead counsel in this action. I give this sworn Declaration in support of Plaintiff's Motion For Attorneys' Fees And Costs.

2.

I have been licensed to practice law in the State of Georgia since November of 1992. I am also licensed in Massachusetts and the District of Columbia.

3.

I graduated from the University of Georgia in 1989 and from the Boston University School of Law in 1992. I was admitted to practice in Georgia in 1992 and have worked in the Atlanta metropolitan area ever since. I have tried cases Pro Hac Vice in both North Carolina and Tennessee.

4.

I am admitted to practice before the United States District Courts for the Northern, and Middle Districts of Georgia, as well as the Eleventh Circuit Court of Appeals. I was admitted Pro Hac Vice in this matter on November 6, 2018.

5.

My primary practice areas are Employment Law and Civil Rights. I devote approximately 90% of my work on behalf of plaintiffs in employment disputes. I have litigated over 500 employment civil rights cases. I have acted as lead counsel in at least fifty jury trials, including at least ten trials within the Northern District of Georgia. I have also acted as lead counsel in numerous other hearings and bench trials before various courts. Previously, I taught law school at the John Marshall Law School in Atlanta, Georgia. I taught such courses as employment discrimination, civil procedure, constitutional law, ethics, and jurisprudence. I have

been selected to Super Lawyers, Million Dollar Advocates Forum, and am a member of the National Trial Lawyers Top 100.

6.

My standard hourly rate for clients who pay on an hourly basis is currently \$450.00 per hour. While I devote a significant portion of my time to contingency employment matters, in those cases where I have represented employers and employees on an hourly basis, my actual fee exceeds \$450.00 per hour.

7.

In contingency fee cases, like the present case, I rely upon the fee shifting statute for payment of fees. In the absence of such provisions, we would not take on a case like this one because of the risk that we would not recover a contingent fee sufficient to cover our actual time. This is particularly true in FLSA actions where the damages are limited by statute.

8.

Attorney time at our firm is recorded electronically with the work completed by the responsible attorneys, which is later transferred to our billing software. Additionally, our software maintains data records for all incoming and outgoing email for each respective case. All correspondence and pleadings are similarly

maintained in an electronic format for each case. All expenses in the case are keyed to the client and included in our billing statements.

9.

A detailed itemization of the time and activities of the attorney and paralegal working on this case is set out in Plaintiff's Motion For Attorneys' Fees And Costs. According to our billing records and supporting Declarations, we spent 22.2 hours at \$450 an hour for a total of \$9,990.00 in attorneys' fees and \$652.01 in costs and expenses, for a total of \$10,642.01 (**Attachment A**). In the exercise of billing judgment, I have deducted a total of 4.1 hours that I found to be redundant, excessive or unnecessary to the case. All time recorded after December 19, 2018 was reduced to a "no charge" entry.

10.

I reviewed all pleadings in this case and actively participated in all aspects of research, preparation and briefing. I am certain that there is additional time that I did not record, such as routine conferences with the client and my time in fielding regular inquiries from her and/or my staff. I have not included any paralegal time, my time spent preparing this attorney's fees motion or its exhibits, Westlaw Research for prior attorney's fees awards by Judge Moore, or conferring with Marcus Keegan, Andrew Coffman, and local counsel Brad McClelland.

11.

I also participated fully in the review and preparation of the Confidential Settlement Agreement and Release.

12.

When the Plaintiff, Ms. Cummings, first contacted our office, she told me she was unable to find a local attorney to take her case in Savannah so she had reached out to a former co-worker for a recommendation. She felt that none of the local Savannah law firms would get involved because the Defendant, Bignault & Carter, was a well-known and respected law firm based in Savannah. In addition, she wanted to maintain the confidentiality of her overtime claim as she was still working for Bignault & Carter and did not want to risk being fired until she found new employment.

13.

On April 12, 2019, I spoke with Catherine McKenzie Bowman, a longtime practitioner in Savannah and member of the bar since 1987. Ms. Bowman told me that she would not have represented a paralegal in an overtime case against Bignault & Carter, either.

14.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 12th day of April 2019.

/s/ *Larry A. Pankey*

Larry A. Pankey

ATTACHMENT A

PANKEY & NORLOCK, LLC
Attorneys at Law
1441 Dunwoody Village Parkway, Suite 200
Atlanta, Georgia 30338
(770) 670-6250 Fax (770) 670-6249
Federal I.D. #26-1607183

Ashley F. Cummings
63 King James Court
Savannah GA 31419

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April 12, 2019
Our File No: 1599-0000C
Invoice No: 157708

Employment Discrimination

INVOICE FOR LEGAL SERVICES

HOURS

04/09/2018	LAP	Interviewed new client and discuss case. Sent out contract and initial intake information.	1.50	675.00
04/12/2018	LAP	Research paralegals and right to overtime. Research SHRM and highly degreed paralegals. 1.) DOL guidelines say an advanced specialized degree may be exempt. 2.) Discretion what was clients authority.	1.50	675.00
04/13/2018	LAP	Telephone client: Discuss job duties and exemption. Interviewed for job duties and payment history. Reviewed pay slips and hourly rate. Research fluctuant work week and look for .5 overtime or 1.5 overtime rate. Research <u>Black</u> decision where paralegal received 1.5 Overtime Rate.	2.00	900.00
05/22/2018	LAP	Draft letter to Defendant on unpaid overtime.	0.40	180.00
05/25/2018	LAP	Reviewed email from Opposing Attorney. Response.	0.10	45.00
06/18/2018	LAP	Reviewed email from Opposing Attorney. Status.	0.20	90.00
08/07/2018	LAP	Draft email to Opposing Attorney; Discuss settlement.	0.20	90.00
	LAP	Reviewed email from Opposing Attorney.	0.20	90.00
08/10/2018	LAP	Reviewed email from Opposing Attorney; Received time sheets and run calculations.	1.50	675.00
08/14/2018	LAP	Forward email to client; Call and discuss overtime calculations.	0.50	225.00
09/19/2018	LAP	Reviewed email from client and discuss overtime calculations.	0.40	180.00
09/20/2018	LAP	Follow up with client on overtime calculations; T and Discuss.	0.40	180.00
10/14/2018	LAP	Reviewed file and edit complaint; Revise and research defendants and addresses.	1.80	810.00
10/17/2018	LAP	Reviewed complaint and edit and revise. Prepare for filing.	0.60	270.00
10/19/2018	LAP	Received email about Tamika Blanchard; Need to be admitted to Southern District; Received local rules; respond and research for local counsel.	0.40	180.00

Ashley F. Cummings

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April 12, 2019

Our File No: 1599-0000C

Invoice No: 157708

Employment Discrimination

HOURS

	LAP	Received attorney admission procedures, Petitions for HOV admissions; Called Mr. McLelland about co- counsel.	0.50	225.00
10/22/2018	LAP	Received email from Court on filed complaint.	0.10	45.00
	LAP	Reviewed email to Brad McLelland and supporting documentation for conflict check.	0.30	135.00
	LAP	Reviewed email from Tameka Blanchard about Pro Hac procedures.	0.20	90.00
10/24/2018	LAP	Review Notice of Appearance for Brad McClelland. Reviewed follow up emails on editing and filing. Pleading and revise application for admission Pro Hac Vice.	0.40	180.00
	LAP	Reviewed email from James Burnell on case status. Return phone call. Send email.	0.20	90.00
10/25/2018	LAP	Reviewed emails on follow up to admissions and consent of designated local counsel. reviewed Certificate of Good Standing. Review local rule 83.4 and revise file with court.	1.50	675.00
10/26/2018	LAP	Reviewed email to client that case filed and update.	0.30	135.00
	LAP	Reviewed email from Court on Motions being referred to Judge.	0.10	45.00
10/30/2018	LAP	Reviewed email from court on General Order and litigants bill of rights.	0.20	90.00
	LAP	Reviewed email from Brad McLelland about litigants bill of rights and Certificate of Interest Persons.	0.20	90.00
10/31/2018	LAP	Discuss with Janee filing and calendars deadlines for local rules. Calendar.	0.30	135.00
11/02/2018	LAP	Reviewed electronic summons from court. Prepare for Service.	0.20	90.00
11/05/2018	LAP	Reviewed and edit litigants bill of rights. File.	0.20	90.00
	LAP	Reviewed and edit disclosure statement for Local Rule 7.1.1 and File.	0.20	90.00
	LAP	Reviewed email from Brad about service. Updated opposing attorney and sent email about complaint and get permission to send Notice of Lawsuit and acknowledgment of Service.	0.60	270.00
11/06/2018	LAP	Reviewed email from opposing attorney on address change.	0.10	45.00
	LAP	Reviewed Order allowing Pro Hac appearance.	0.10	45.00
11/19/2018	LAP	Reviewed email on opposing attorney call and return phone call. Discuss settlement. Reviewed calculations for 3 years at 1) 7 hours per week; 2) at time and a half rate; 3) Liquidated damages for entire amount; 4) Three years. Updated and discuss with client.	1.40	630.00
	LAP	Draft email to opposing attorney to accept \$45,000. Updated client.	0.40	180.00
11/20/2018	LAP	Reviewed email from opposing attorney on W-9's and check amounts.	0.20	90.00
	LAP	Contact client about W-9's and status; Updated client.	0.20	90.00

Ashley F. Cummings

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April 12, 2019

Our File No: 1599-0000C

Invoice No: 157708

Employment Discrimination

HOURS

11/27/2018	LAP	Email Brad McLelland on settlement and paperwork.	0.20	90.00
12/03/2018	LAP	Reviewed proposed settlement agreement.	0.40	180.00
12/06/2018	LAP	Received signed agreement and forward to Janice.	0.20	90.00
	LAP	Reviewed email from opposing attorney and respond.	0.10	45.00
	LAP	Updated client and discuss settlement agreement. Discuss tax issues. Email opposing attorney with approval . Email client to sign and forward original.	0.50	225.00
12/11/2018	LAP	Reviewed email from Opposing Attorney and Sent signed agreement.	0.20	90.00
12/14/2018	LAP	Reviewed email from opposing attorney about Motion to Seal proposed order. Review documents and respond with approval.	0.40	180.00
12/19/2018	LAP	Reviewed email from opposing attorney about sending proposed order to internal email. Respond.	0.30	135.00
	LAP	Reviewed filing of Motion to Seal and Order Denying Motion to seal.	0.30	135.00
12/27/2018	LAP	Reviewed Revised settlement agreement and Joint Motion to approve settlement.	0.40	No Charge
01/07/2019	LAP	Reviewed email from opposing attorney on status. Updated client and get new signature to revised agreement. Work on getting paginate correctly and signed.	0.50	No Charge
01/08/2019	LAP	Reviewed filed Motion for Settlement Case reassignment.	0.20	No Charge
01/10/2019	LAP	Reviewed Order denying settlement and directions.	0.40	No Charge
01/11/2019	LAP	Reviewed order denying settlement and directions.	0.20	No Charge
01/17/2019	LAP	Reviewed Invoice and pay for local filing fees for Pro Hac Vice.	0.30	No Charge
02/01/2019	LAP	Update client with case status and W-2 information. Update address and discuss alternatives for settlement.	0.30	No Charge
02/14/2019	LAP	Updated client with case status.	0.20	No Charge
03/14/2019	LAP	Reviewed Motion for Settlement by opposing attorney. Calendar reviewed memo for exhibits.	0.50	No Charge
03/20/2019	LAP	Email to client on status.	0.20	No Charge
03/28/2019	LAP	Draft and edit response to motion for settlement. File. Update client.	0.50	No Charge
04/01/2019	LAP	Reviewed Order deferring ruling on Motion for Settlement. Calendar.	0.20	No Charge
04/05/2019	LAP	Review email from co-counsel. Respond.	0.20	No Charge
		FOR LEGAL SERVICES RENDERED	22.20	9,990.00
		TOTAL NO CHARGE HOURS	4.10	

Ashley F. Cummings

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April 12, 2019

Our File No: 1599-0000C

Invoice No: 157708

Employment Discrimination

FEE SUMMARY

Timekeeper	Hours	Rate	Total
Larry A. Pankey	22.20	\$450.00	\$9,990.00

EXPENSES

Photocopying charges	10.25
Postage charges	7.76
Total Expenses	18.01

COSTS ADVANCED

10/18/2018	Filing fees paid to U.S. District Court	400.00
10/24/2018	Costs paid to State Bar of Ga	15.00
10/24/2018	Filing fees paid to Law Office of Brad S McLelland	200.00
10/26/2018	Filing fees paid to U.S. District Court	19.00
	Total Costs Advanced	634.00

TOTAL CURRENT FEES AND COSTS	10,642.01
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BALANCE DUE	<u>\$10,642.01</u>
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Payments are due May 6, 2019.

A finance charge of 12% will be assessed on balances not paid within 30 days of the invoice date.

Thank you for your continued business in 2019!

PANKEY & HORLOCK, LLC
Attorneys at Law
1441 Dunwoody Village Parkway, Suite 200
Atlanta, Georgia 30338
(770) 670-6250 Fax (770) 670-6249
Federal I.D. #26-1607183

Ashley F. Cummings
63 King James Court
Savannah GA 31419

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April 12, 2019
Our File No: 1599C

Summary of Balance Owed on Each Invoice

	<u>Balance</u>
1599-0000 Employment Discrimination	<u>\$10,642.01</u>

Payments are due May 6, 2019.
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the invoice date.

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